

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

**SM**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/501,944    02/10/00    VENKATESAN    S    OBC-98

IM22/0907

Philip H. Schlazer  
Energy Conversion Devices, Inc.  
1675 W. Maple Road  
Troy MI 48064

EXAMINER

MERCADO, J

ART UNIT

PAPER NUMBER

1745

DATE MAILED:

09/07/01

**4**

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**BEST AVAILABLE COPY**

# Office Action Summary

Application No.

09/501,944

Applicant(s)

VENKATESAN ET AL.

Examiner

Mercado A Julian

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5-7, 9, 11-13, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Megahed *et al* (U.S. Pat. 4,015,056).

Megahed teaches an active composition for an electrode comprising an active electrode material such as zinc and a binder such as sugar gum, i.e. molasses. (Col. 5 line 60 *et seq*) The binder content is within the instant range of 0.1 and 2.0 weight percent of the active material. (Col. 5 line 65)

Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Terasaka *et al* (U.S. Pat. 4,906,539).

Terasaka teaches an active composition for an electrode comprising an active electrode material such as cadmium hydroxide and a binder such as pectin, *inter alia*. (Col. 4 line 3 *et seq*) The binder content is within the instant range of 0.1 and 2.0 weight percent of the active material. (Col. 3 line 50)

Claims 1, 2, 6-8 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue *et al* (U.S. Pat. 5,707,756)

Inoue teaches an active composition for an electrode comprising an active electrode material such as nickel hydroxide, *inter alia*, and a binder chosen from a myriad of mono- and disaccharides. (Col. 16 line 11 *et seq*, col. 18 line 23 *et seq*) The binder content is disclosed

Art Unit: 1745

within the instant range of 0.1 and 2.0 weight percent of the active material. (Col. 18 line 50 *et seq*)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 9-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue *et al* as applied to claims 1, 2, 6-8 and 12-14 above, in view of either Megahed *et al* as applied to claims 1, 3, 5-7, 9, 11-13, 16, and 18 above, or Terasaka *et al* as applied to claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 16 and 17 above.

The teachings of Inoue, Megahed and Terasaka are discussed above.

Inoue does not explicitly teach the binder material comprising pectin or molasses. However, since Inoue teaches that the binder material is desirably comprised of a polysaccharide, the skilled artisan would have found obvious to employ pectin or molasses in Inoue's invention in view of either Megahed's or Terasaka's teachings since pectin or molasses is known in the art to function as a gelling or polymerizing agent for improved electrode conductivity.


Art Unit: 1745


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian A. Mercado whose telephone number is (703) 305-0511.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached at (703) 308-0756. The official fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599. The unofficial fax number is (703) 306-3429.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

 September 4, 2001

  
STEPHEN KALAFUT  
PRIMARY EXAMINER  
GROUP

1700